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December 14, 2020

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

**Re: Expert Schedule for *In re Terrorist Attacks of September 11, 2001, 03 MDL 1570*
(S.D.N.Y.) (GBD) (SN)**

Dear Judge Netburn:

We represent Dubai Islamic Bank. We write on behalf of defendants Dubai Islamic Bank, International Islamic Relief Organization, Muslim World League, World Assembly of Muslim Youth, the four “Charity Officer Defendants” (Abdullah Omar Naseef, Abdullah bin Saleh al Obaid, Abdullah Mohsen al Turki, and Adnan Basha), Yassin Kadi, and Wa’el Jelaidan to reflect our agreement with Plaintiffs’ Executive Committees (collectively, “parties”) in response to Your Honor’s December 10, 2020 Order to submit proposed interim expert discovery deadlines with a close of expert discovery on April 30, 2021. MDL ECF No. 6551. As set forth below, the parties have agreed to two sets of interim deadlines—one with respect to a broad group of defendants and another set applicable to Plaintiffs’ discovery against Yassin Kadi and Wa’el Jelaidan.

1. The parties have retained 24 experts with respect to Plaintiffs’ claims against defendants Dubai Islamic Bank, International Islamic Relief Organization, Muslim World League, World Assembly of Muslim Youth, and the four “Charity Officer Defendants” (hereinafter, “Defendants”). Plaintiffs served four expert reports with respect to Defendants on March 10, 2020. Defendants then served seventeen affirmative and rebuttal expert reports on August 7, 2020. Plaintiffs plan to serve six expert rebuttal reports, three of which will be from their existing experts and three of which will be from new experts.

With respect to these Defendants, the parties have agreed to an additional extension for Plaintiffs’ current rebuttal deadline (December 11, 2020), fixing the new deadline on February 2, 2021. In addition, Plaintiffs will serve disclosures by December 30, 2020 identifying their rebuttal experts, the identity of the defense experts that each plans to rebut, the subjects anticipated to be addressed in the reports, and the identity of the Defendants to whom each rebuttal expert report will relate.

Honorable Sarah Netburn
December 14, 2020
Page 2

Parties will use the remainder of the expert discovery period to coordinate and take expert depositions. Plaintiffs have agreed to depose not more than 10 of these Defendants' 17 experts. The parties have also agreed that on December 30, 2020, Plaintiffs will disclose the identity of these no more than 10 experts. Further, to the extent any of the Plaintiffs' experts will also be used as rebuttal experts against Yassin Kadi or Wa'el Jelaidan, the parties will use good faith efforts to coordinate the depositions of those experts so that those experts are deposed after the completion of expert report exchanges with respect to Yassin Kadi and Wa'el Jelaidan (discussed below).

Accordingly, the parties propose the following expert interim deadlines for Plaintiffs' claims against Defendants:

- **December 30, 2020:** Deadline for Plaintiffs' disclosure identifying their rebuttal experts, the identity of the defense experts that each plans to rebut, and the subjects anticipated to be addressed in the reports.
- **December 30, 2020:** Deadline for Plaintiffs to identify the names of not more than 10 experts of Defendants that Plaintiffs may depose.
- **February 2, 2021:** Deadline for Plaintiffs' expert rebuttal reports in response to Defendants' August 7, 2020 expert reports.
- **April 30, 2021:** Deadline to complete expert discovery.

2. With respect to the remaining expert discovery concerning defendants Yassin Kadi and Wa'el Jelaidan, those two defendants' affirmative and rebuttal expert reports are currently due on December 28, 2021. MDL ECF No. 6132. Plaintiffs served one affirmative expert report related to Yassin Kadi and Wa'el Jelaidan on October 30, 2020 and additional material on December 9, 2020. The parties agree to extend Yassin Kadi's and Wa'el Jelaidan's deadlines to serve their affirmative and rebuttal experts to February 2, 2021 and Plaintiffs' corresponding rebuttal reports to February 16, 2021.

Thus, the parties propose the following schedule for expert discovery concerning Defendants Yassin Kadi and Wa'el Jelaidan:

- **February 2, 2021:** Deadline for Defendants Yassin Kadi's and Wa'el Jelaidan's affirmative and rebuttal reports.
- **February 16, 2021:** Deadline for Plaintiffs' rebuttal expert reports related to Yassin Kadi and Wa'el Jelaidan.

Honorable Sarah Netburn
December 14, 2020
Page 3

- **April 30, 2021:** Deadline to complete expert discovery.

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Consistent with this Court's Order, the parties have endeavored to set forth a schedule with a close of expert discovery by April 30, 2021. The parties are grateful for this Court's oversight of the litigation and desire to move the case forward. The parties will proceed on a schedule consistent with this Court's April deadline. We note, however, that the parties may encounter difficulties completing depositions by that deadline in light of special circumstances caused by the Covid-19 pandemic and the unique challenges that it presents to expert witness depositions. For example, either due to government stay-at-home orders, personal risk factors (such as age or vulnerable household members), and/or university restrictions, several defense experts have been unable to access their offices or research libraries, which has, in turn, restricted their access to sources they considered for their reports. Specifically, these defense experts, located in both the United States and abroad, are currently unable to access materials, including primary sources, upon which their reports and opinions rely, significantly impacting their ability to properly prepare for depositions. The continued inaccessibility of expert materials also poses a particular challenge in relation to the experts' ability to assess the rebuttal expert reports in the lead-up to depositions, because it may be critical for experts to be able to access the full-range of materials in a relatively short time frame prior to the expert depositions. In addition, at least one defense expert has been heavily involved in an emergency Covid-19 Task Force in response to the local needs of his community, which will continue to require a large commitment of his time and energy for the foreseeable future until the pandemic abates.

We are hopeful that as progress is made in the early months of 2021, these issues will dissipate. Given the pace and spread of the pandemic, however, the issues may remain. The parties will continue to monitor these circumstances and, if they persist, will bring them to the attention of the Court and seek appropriate relief in relation to the deposition schedule as may be needed.

We appreciate the Court's understanding during this pandemic, and we thank the Court for its attention to these issues and its consideration.

Respectfully submitted,

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JONES DAY

Honorable Sarah Netburn
December 14, 2020
Page 4

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cc: The Honorable George B. Daniels (via ECF)
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